

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04 CV 10746 JLT

IVAN SANTIAGO,
Plaintiff

v.

MARCUS EDDINGS
Defendant

**DEFENDANT'S PROPOSED PRETRIAL JURY INSTRUCTION REGARDING
THE LAWFULNESS OF PLAINTIFF'S STRIP SEARCH PRIOR TO OPENING
STATEMENTS**

Pursuant to the Court's Order at the November 1, 2005, Pre-trial Conference, Defendant Sergeant Marcus Eddings respectfully submits the following proposed jury instruction to be read to the jury, prior to Opening Statements, regarding the lawfulness of the Plaintiff's March 20, 2003 strip search, attached hereto as Exhibit A. Defendant previously conferred with Plaintiff regarding this submission and the parties were unable to reach an agreement.

Respectfully submitted,
DEFENDANT MARCUS EDDINGS
By his attorneys:

/s/ Thomas Donohue
Thomas Donohue, BBO #643483
Helen G. Litsas, BBO# 644848
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-4039 (Donohue)
(617) 635-4023 (Litsas)

Dated: November 5, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 5, 2006.

/s/ Tom Donohue
Tom Donohue